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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,236	07/12/2001	Edward O. Clapper	INTL-0628-US (P12052)	2118

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EXAMINER

TANG, SON M

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 11/05/2002

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,236

Applicant(s)

CLAPPER, EDWARD O.

Examiner

Son M Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19 and 21-29 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 1, line 3 phrase “a tag to sense the tags” and line 4 “the user in facility” are unclear, “a tag” should it be --a user-- and “the user” should it be --a user-- please provide further ~~definition~~ *clarification*.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1, 11, 21, 5-7, 17-19 and 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Komatsu** [U.S. Pat. 5,646,616].

As to claims 1: **Komatsu** disclose a system comprising, a plurality of wireless tags (6) around a facility (see Fig. 1), providing a sensor (met by an antenna 60 combines with section 72) associated with a user to sense the tags (6) a processor associatable with a user and to determine the position of the user in the facility based on information from said tags (as shown in

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Fig. 1-3 and col. 3, lines 15-25), and provide a route and direction to the picking request has been order (as cited in col. 2, lines 46-68). Komatsu does not specifically disclose that a requested destination from the user's current position. However, it would have been obvious of one having ordinary skill in the art at the time the invention was made to be interpreted as following:

Komatsu discloses a computer that comprising a control section [70] and IC card reader/writer [90] wherein said reader/writer reads the picking request from a user, wherein said picking request including a type and amount of articles to be picked up [col. 2, lines 47-60] the computer associated with a display unit [20] and determines the requested and display the picking information in response to the current position of the picking cart [col. 2, lines 58-60] the picking information includes the articles number, quantity, units, the position of a shelf (means articles location) and a cart advancement route (means future path travel) which is determined for each operation in accordance with the type of the articles to be picked up (in the future) [col. 2, lines 61-67]. Therefore, "a requested destination" would be the same as "article picking requested" since, they both use for requesting an item location information in the facility.

As to claim 11: Komatsu discloses an article comprising a medium (IC card 91) storing instructions that enable a processor-based system (met by a host computer) (col. 2, line 48), to receive information from a plurality of wireless tags (6) distributed about a facility, and analyze information from the tags to determine the location of a user, and obtain information about the route and direction of travel of the user through the facility (as shown in Fig. 1-3 and col. 2, lines 46-68 and col. 3, lines 29-40).

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As to claim 21: Komatsu discloses a system comprising, a plurality of wireless tags (6) a wireless sensor associated with a user (60, 72), a processor (Fig. 3) associatable with a user, and a storage (73) coupled to said processor to determine the user's position based on information from said tags, said processor tracks the direction and movement of said user (as shown in Fig. 1-3 and col. 2, lines 46-68 and col. 3, lines 29-56 and col. 4, lines 1-30).

As to claims 5-7 and 9: Komatsu further discloses a plurality of sensors associated with the user, each sensor on a shopping cart and to sense the identify information from each of a plurality wireless tags to determine the position of the user in the facility (as shown in Fig. 1-3 and col. 3, lines 15-40).

As to claim 8: Komatsu further discloses wherein the information from said wireless tags (6) to a server (met by a host computer, col. 2, line 48), since the host computer is control the entire picking system (as cited in col. 2, lines 46-68).

As to claim 18: Refer to claim 8 above.

As to claims 17, 19, 24-26: Refer to claims 5-7 above.

4. Claims **2-4, 12-16, 22-23 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Komatsu** [U.S. Pat. 5,646,616] in view of **Jelen et al.** [U.S. Pat. 6,119,935].

As to claims 2-4 : Komatsu discloses a host computer (cited in col. 2, line 48) comprising a process system in Fig. 3, which receives information from a sensor associated with the user (which met by an antenna 60) and an (IC card reader /writer 90) for pushing information

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to the shopping cart depending on the cart's current location (as shown in Fig. 3 and col. 2, lines 46-68), Komatsu fails to specify wherein the wireless linking a plurality of shopping carts through a local area network to the server, **Jelen et al.** teach a system which comprising a wirelessly link a plurality of shopping carts within a retail facility through a local area network to the server (58) and enable the carts to exchange information through said network, such as cart location (as shown in Fig. 1 and col. 4, lines 7-21). It would have been obvious of one having ordinary skill in the art at the time the invention was made to employ a local area network as taught by Jelen et al. into the system of Komatsu for the purpose of a faster response, since there is many users (carts) are in the same facility area to be detected.

As to claims 12-16: Refer to claims 2-4 above.

As to claims 22-23 and 27: Refer to claims 2-4 above.

Response to Arguments

5. Applicant's arguments filed 9/16/2001 have been fully considered but they are not persuasive.

Applicant argued that Komatsu does not provides a future path to travel from the user's current position determined by the tags and the sensors to a requested destination.

Examiner responses that although, Komatsu does not specifically discloses "provide a route to a requested destination". However, it would have been obvious of one having ordinary skill in the art at the time the invention was made to be interpreted as, in the request picking system of Komatsu, a host computer that comprising a control section [70] and IC cart reader/writer [90]

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wherein said reader/writer reads the picking request from a user, wherein said picking request including a type and amount of articles to be picked up [col. 2, lines 47-60] the computer associated with a display unit [20] to determine the picking request and display the picking information in response to the current position of the picking cart [col. 2, lines 58-60] the picking information includes the articles number, quantity, units, the position of a shelf (articles location) and a cart advancement route (future travel path) which is determined for each operation in accordance with the type of the articles to be picked up (which means in the future) [col. 2, lines 61-67]. Therefore, "a requested destination" would be the same as "articles picking requested" since, they both use for requesting an item location information in a facility.

Conclusion

6. Patent owner's amendment filed 9/16/02 necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

A shortened statutory period for response to this action is set to expire 3 months from the mailing date of this action.

Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings. The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

Extensions of time in reexamination proceedings are provided for in 37 CFR 1.550(c). A request for extension of time must be filed on or before the day on which a response to this action is due. The mere filing of a request will not effect any extension of time. An extension of time will be granted only for sufficient cause, and for a reasonable time specified.

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The filing of a timely first response to this final rejection will be construed as including a request to extend the shortened statutory period for an additional month, which will be granted even if previous extensions have been granted. In no event, however, will the statutory period for response expire later than SIX MONTHS from the mailing date of the final action. See MPEP § 2265.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Son M. Tang** whose telephone number is (703) 306-5970. The examiner can normally be reached on Mon. to Fri. from 7:30a.m. to 5:00p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffery Hofsass**, can be reached on (703) 305-4717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

8. **Any response to this action should be mailed to :**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703)872-9314 (note: for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Son Tang

October 2, 2002


DANIEL J. WU
PRIMARY EXAMINER 11/04/02